

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are presently active; Claims 1 and 5-8 have been presently amended. No new matter was added.

In the outstanding Office Action, Claims 1 and 3 were rejected under 35 U.S.C. § 102(e) as being unpatentable over Hirayama (U.S. Pat. No. 6,890,048). Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirayama. Claims 4-9 were rejected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Firstly, Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 4-9 and the courtesy of Examiner Rutland-Wallis to discuss this case briefly on February 26, 2007.

Secondly, in order to expedite allowance of this case, Claim 1 has been rewritten to include the at least one detecting part defined as part of the allowable subject matter of Claim 4. Hirayama fails to disclose this feature. Accordingly, it is respectfully submitted that Claim 1 and the claims dependent therefrom patentably define over the applied prior art.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment includes in Claim 1 of the subject matter from allowable Claim 4, thereby placing these claims in a condition for allowance. No new matter has been added, and this amendment does not raise new issues requiring further consideration

Application No. 10/686,616
Reply to Office Action of November 20, 2006

and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

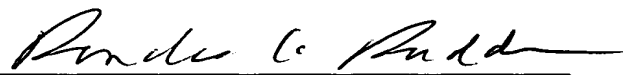
Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
EHK:RAR:clh


Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870
Ronald A. Rudder, PhD
Registration No. 45,618

I:\ATTY\RAR\AMENDMENTS (2006)\244083US\RESPONSE-TO-OA_11202006.DOC